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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/812,487 | 03/20/2001 | Barry Paul Pershan | Verizon-2APP | 1640 |

32127 7590 10/22/2003

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EXAMINER

BUI, BING Q

ART UNIT PAPER NUMBER

2642

Handwritten mark resembling a stylized 'S' or '5'

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,487

Applicant(s)

PERSHAN, BARRY PAUL

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlsen (US Pat No. 5,550,907).

Regarding claim 1, with respect to Figures 1 and 3, Carlsen teaches a call processing method, comprising the steps of:

operating a telephone switch to detect receipt of an incoming telephone call on a subscriber telephone line (see col. 4, ln 66-col. 5, ln 16);

in response to detecting an incoming telephone call on the subscriber telephone line, operating the telephone switch to transmit a message to a service control point indicating receipt of a call on the subscriber telephone line (see col. 5, lns 5-21);

operating the service control point to transmit a message to a first computer in response to the message transmitted by said telephone switch (see col. 5, lns 49); and

operating the first computer to select a first party to service the incoming call (see col. 5, lns 50-62).

As to claims 21-26, they are rejected for the same reasons set forth to rejecting claim 1.

4. Claims 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Devillier et al (US Pat No. 6,366,661), herein after referred as Devillier.

Regarding claim 15, with respect to Figures 5A-7, Devillier teaches a communications system comprising:

a telephone switch including trigger circuitry for detecting calls to a first telephone line on which a trigger is set, a first telephone number being associated with the first telephone line (see Fig. 7 and col. 7, lns 66-col. 8, ln 58);

a first subscriber telephone device coupled to the telephone switch by the first telephone line (see Fig. 7 and col. 7, lns 66-col. 8, ln 58);

a first computer coupled to the first subscriber telephone device by a communications link which supports the transmission of TAPI signals between the first computer and the first subscriber telephone device (see Fig. 7 and col. 7, lns 66-col. 8, ln 58); and

a second computer system coupled to the telephone switch and to the first computer, the second computer including a routine for determining, as a function of

telephone line status information obtained from the first computer, a telephone number to be used to complete the routing of calls to the first telephone line which are detected by said trigger circuitry (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Regarding claim 16, with respect to Figures 5A-7, Devillier teaches a service control point for coupling the telephone switch to the second computer system (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Regarding claim 17, with respect to Figures 5A-7, Devillier teaches said trigger circuitry is terminating attempt trigger circuitry (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Regarding claim 18, with respect to Figures 5A-7, Devillier teaches a first Internet Protocol based computer network for coupling the first computer to the second computer (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Regarding claim 19, with respect to Figures 5A-7, Devillier teaches the system of claim 18, further comprising:

a second Internet Protocol based computer network for coupling the second computer to the service control point (see Fig. 7 and col. 7, ln 66-col. 8, ln 58); and

wherein the second computer system includes a routine for controlling the transmission of call related data to the first computer system over said first Internet Protocol based computer network (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Regarding claim 20, with respect to Figures 5A-7, Devillier teaches a signaling system seven communications link for coupling the service control point to said telephone switch (see Fig. 7 and col. 7, ln 66-col. 8, ln 58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen '907 in view of Rao et al (US Pat No. 5,583,564), herein after referred as Rao..

Regarding claims 2-8, Carlsen fails to teach the invention as claimed. However, with respect to the Figure attached to US Pat No. 5,583,564, Rao teaches a method that includes:

operating the first computer to determine the availability of the first party to service the incoming call by contacting a second computer, the second computer being associated with the first party (see col. 3, ln 40-col. 4, ln 64);

the second computer is coupled to a first telephone device by a communications link which supports computer and telephone interaction, the step of operating the first computer to determine the availability of the first party including obtaining telephone device status information from the second computer (see col. 3, ln 40-col. 4, ln 64);

operating the first computer to send call related information to the second computer (see col. 3, ln 40-col. 4, ln 64);

operating the first computer to send a first telephone number corresponding to the first telephone device to the service control point (see col. 3, ln 40-col. 4, ln 64); and

operating the service control point to instruct the telephone switch to complete the incoming call using the first telephone number as the destination telephone number (see col. 3, ln 40-col. 4, ln 64);

Wherein the first telephone number is different from a telephone number used to route the incoming call to said subscriber telephone line (see col. 3, ln 40-col. 4, ln 64).

operating the first computer to determine from a second computer if a telephone line associated with the first party is busy (see col. 3, ln 40-col. 4, ln 64) ;

wherein determining from the second computer if the telephone line is busy includes using a telephone application programming interface to obtain telephone line status information (see col. 3, ln 40-col. 4, ln 64).

Therefore, integrating Rao's teachings into call processing system of Carlsen would have been obvious for enhancing service to customers in which customers can minimize the missing calls.

7. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen '907 in view of Rao (US Pat No. 5,583,564), and further of Devillier (US Pat No. 6,366,661).

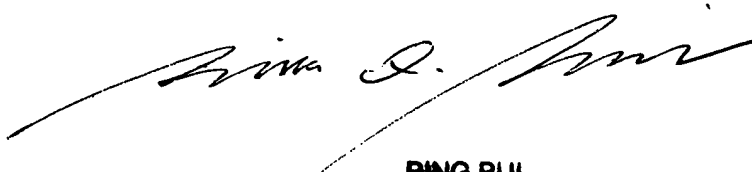
Regarding claims 9-14, the combined system of Carlsen and Rao fails to teach the invention as claimed. However, with respect to the Figures 5A-7, Devillier teaches a method in which when an incoming call runs into a busy signal at an intended recipient party due to the recipient party logging-on a internet session, call disposition options is displayed to the recipient party, thereby the recipient party may select where the call should be redirected (see Abstract and col. 2, ln 9-col. 3, ln 15). Therefore, integrating Devillier's teachings into the combined call processing system of Carlsen and Rao would have been obvious for enhancing service to customers in which customers can minimize the missing calls.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Oct. 11, 2003



BING BUI
PATENT EXAMINER